



General Assembly

Amendment

January Session, 2009

LCO No. 8605

SB0091308605SD0

Offered by:

SEN. SLOSSBERG, 14th Dist.

REP. SPALLONE, 36th Dist.

To: Subst. Senate Bill No. 913

File No. 540

Cal. No. 386

"AN ACT CONCERNING UNITED STATES SENATE VACANCIES."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 9-211 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) In case of a vacancy in the office of senator in Congress, the
6 Governor, [is empowered to fill such vacancy by appointment as
7 herein provided. If such vacancy occurs one hundred fifty or more
8 days prior to a state election, the appointee shall serve until the third
9 day of January following such election, and at such election there shall
10 be elected a senator in Congress to serve for the remaining portion, if
11 any, of the term vacated. If such vacancy occurs within less than one
12 hundred fifty days of a state election and the term vacated does not
13 expire on the third day of January following such election, the
14 appointee shall serve until the third day of January following the next
15 such election but one, and at such next election but one there shall be

16 elected a senator in Congress to serve for the remaining portion, if any,
17 of the term vacated. If such vacancy occurs within less than one
18 hundred fifty days of a state election and the term vacated expires on
19 the third day of January following, the appointee shall serve until such
20 third day of January] except as otherwise provided by federal or state
21 law, shall, not more than ten days after the occurrence of such vacancy,
22 issue writs of election directed to the town clerks or assistant town
23 clerks ordering an election to be held on the one hundred fiftieth day
24 after the issue of such writs on a day, other than a Saturday or Sunday,
25 to fill such vacancy for the remaining portion of the term vacated,
26 provided (1) except as provided in subdivisions (2) and (3) of this
27 subsection, if such a vacancy occurs between the one hundred twenty-
28 fifth day and the sixty-third day before the day of a regular state or
29 municipal election in November of any year, the Governor shall so
30 issue such writs that order an election to be held on the day of such
31 regular election, (2) except as provided in subdivision (3) of this
32 subsection, if such vacancy occurs after the municipal election in the
33 year preceding the last year of the term of a senator or in the last year
34 of the term of a senator, the Governor shall nominate a person to fill
35 such vacancy and such nomination shall be filed with both the clerk of
36 the Senate and the clerk of the House of Representatives. Approval of
37 such nomination shall require an affirmative vote of two-thirds of the
38 membership of each chamber of the General Assembly, or (3) if such a
39 vacancy occurs in the year of a state election and not more than sixty-
40 two days prior to such election, and the office of senator in Congress
41 for which the vacancy exists will be on the ballot during such election,
42 the Governor shall not issue such writs and no election shall be held
43 under this section. If the position vacated is that of member-elect, the
44 Governor shall so issue writs and an election shall be held as provided
45 in this section.

46 (b) The Governor shall cause writs of election issued pursuant to
47 subsection (a) of this section to be conveyed to a state marshal, who
48 shall forthwith transmit an attested copy thereof to such clerks or
49 assistant clerks. Such clerks or assistant clerks, on receiving such writs,

50 shall warn elections to be held on the day appointed therein in the
51 same manner as state elections are warned, which elections shall be
52 organized and conducted as are state elections, and the vote shall be
53 declared, certified, directed, deposited, returned and transmitted in the
54 same manner as at a state election.

55 Sec. 2. Section 9-450 of the general statutes is repealed and the
56 following is substituted in lieu thereof (*Effective from passage*):

57 Nominations by major parties for any state, district or municipal
58 office to be filled under the provisions of any law relating to elections
59 to fill vacancies, unless otherwise provided therein, shall be made in
60 accordance with the provisions of sections 9-382 to 9-450, inclusive, as
61 amended by this act.

62 (1) (A) In the case of nominations for representatives in Congress
63 and judges of probate in probate districts composed of two or more
64 towns, provided for in sections 9-212 and 9-218, the delegates to the
65 convention for the last state election shall be the delegates for the
66 purpose of selecting a candidate to fill such vacancy. If a vacancy
67 occurs in the delegation from any town, political subdivision or
68 district, such vacancy may be filled by the town committee of the town
69 in which the delegate resided. Endorsements by political party
70 conventions pursuant to this subsection may be made and certified at
71 any time after the resignation or death creating such vacancy and not
72 later than the fiftieth day before the day of the election. No such
73 endorsement shall be effective until the presiding officer and secretary
74 of any district convention have certified the endorsement to the
75 Secretary of the State.

76 (B) If such a vacancy occurs between the one hundred twenty-fifth
77 day and the sixty-third day before the day of a regular state or
78 municipal election in November of any year, no primary shall be held
79 for the nomination of any political party and the party-endorsed
80 candidate so selected shall be deemed, for the purposes of this chapter,
81 the person certified by the Secretary of the State pursuant to section 9-

82 444 as the nominee of such party.

83 (C) Except as provided in subparagraph (B) of this subdivision, if a
84 candidacy for nomination is filed by or on behalf of any person other
85 than a party-endorsed candidate not later than fourteen days after the
86 party endorsement and in conformity with the provisions of section 9-
87 400, a primary shall be held in each municipality of the district and
88 each part of a municipality which is a component part of the district, to
89 determine the nominee of such party for such office, except as
90 provided in section 9-416a. Such primary shall be held on the day that
91 the writs of election issued by the Governor, pursuant to section 9-212,
92 ordered the election to be held, and new writs of election shall be
93 issued by the Governor in accordance with section 9-212.

94 (D) Unless the provisions of subparagraph (B) of this subdivision
95 apply, petition forms for candidacies for nomination by a political
96 party pursuant to this subdivision shall be available from the Secretary
97 of the State beginning on the day following the issuance of writs of
98 election by the Governor pursuant to section 9-212, except when a
99 primary has already been held, and the provisions of section 9-404a
100 shall otherwise apply to such petitions.

101 (E) The registry lists used pursuant to this subsection shall be the
102 last-completed lists, as provided in sections 9-172a and 9-172b.

103 (2) In the case of judges of probate in probate districts composed of
104 a single town, the day named for the election shall be not earlier than
105 the one hundred fifteenth day following the day on which the writ of
106 election is issued, and the times specified in sections 9-391, 9-405 and
107 9-423 shall be applicable.

108 [(3) In the case of a vacancy in the office of senator in Congress
109 occurring one hundred fifty or more days prior to a state election, the
110 party-endorsed candidate of each party for such office shall be
111 designated at the state convention of such party held for the
112 endorsement of candidates for the state offices to be filled at such
113 election; contesting candidacies for nomination to such office shall be

114 filed not later than four o'clock p.m. on the twenty-first day following
115 the close of such convention; and the primary of such party for
116 nomination to such office shall be held simultaneously with the
117 primaries of such party for nomination to the state and district offices
118 to be filled at such election. If, at the time such vacancy in the office of
119 senator in Congress occurs, such state convention has already been
120 closed, it shall be reconvened by call of the chairman of the state
121 central committee of such party, which call shall be mailed to each
122 delegate selected for such convention not less than seventy-two hours
123 prior to such reconvening; such reconvened convention shall be closed
124 not later than the tenth day following the occurrence of such vacancy.
125 The party-endorsed candidate of such party for such office shall be
126 designated at such reconvened convention. Contesting candidates for
127 nomination to such office shall be filed not later than four o'clock p.m.
128 on the twenty-first day following the close of such reconvened
129 convention. If the primaries of such party for nomination to the state
130 and district offices to be filled at the state election are held not earlier
131 than the forty-ninth day following the close of such reconvened
132 convention, the primary of such party for nomination to the office of
133 senator in Congress to fill such vacancy shall be held simultaneously
134 with the primaries of such party for nomination to such state and
135 district offices; otherwise, the Secretary of the State shall fix the day for
136 the primary of such party for such nomination to the office of senator
137 in Congress, which day shall be not earlier than the forty-ninth day
138 following the close of such reconvened convention and not later than
139 the twenty-first day preceding the day of the state election.]

140 (3) (A) In the case of nominations for senators in Congress provided
141 for in section 9-211, as amended by this act, the delegates to the
142 convention for the last state election shall be the delegates for the
143 purpose of selecting a candidate to fill such vacancy. If a vacancy
144 occurs in the delegation from any town or political subdivision, such
145 vacancy may be filled by the town committee of the town in which the
146 delegate resided. Endorsements by political party conventions
147 pursuant to this subsection may be made and certified at any time after

148 the resignation or death creating such vacancy and not later than the
149 fifty-sixth day before the day of the primary. No such endorsement
150 shall be effective until the presiding officer and secretary of any state
151 convention have certified the endorsement to the Secretary of the State.

152 (B) If such a vacancy occurs between the one hundred twenty-fifth
153 day and the sixty-third day before the day of a regular state or
154 municipal election in November of any year, no primary shall be held
155 for the nomination of any political party and the party-endorsed
156 candidate so selected shall be deemed, for the purposes of this chapter,
157 the person certified by the Secretary of the State, pursuant to section 9-
158 444, as the nominee of such party. In such an event, endorsements by
159 political party conventions shall be made not later than sixty days
160 prior to the election.

161 (C) Except as provided in subparagraph (B) of this subdivision, if a
162 candidacy for nomination is filed by or on behalf of any person other
163 than a party-endorsed candidate not later than fourteen days after the
164 party endorsement and in conformity with the provisions of section 9-
165 400, a primary shall be held on the fifty-sixth day prior to the day of
166 the election in each municipality to determine the nominee of such
167 party for such office, except as provided in section 9-416a.

168 (D) Unless the provisions of subparagraph (B) of this subdivision
169 apply, petition forms for candidacies for nomination by a political
170 party pursuant to this subdivision shall be available from the Secretary
171 of the State beginning on the day following the issuance of writs of
172 election by the Governor, pursuant to section 9-211, as amended by
173 this act, except when a primary has already been held and the
174 provisions of section 9-404a shall otherwise apply to such petitions.

175 (E) The registry lists used pursuant to this subsection shall be the
176 last-completed lists, as provided in sections 9-172a and 9-172b.

177 (4) The times specified in sections 9-391, 9-405 and 9-423 shall be
178 applicable to any special town election held to fill a vacancy in any
179 town office under subsection (b) of section 9-164. Except as provided

180 under subsection (c) of section 9-164, any election held to fill a vacancy
 181 in any municipal office under the provisions of any special act shall be
 182 held not earlier than the one hundred twenty-seventh day following
 183 the day upon which warning of such election is issued, and the times
 184 specified in sections 9-391, 9-405 and 9-423 shall be applicable.

185 Sec. 3. (NEW) (*Effective from passage*) Notwithstanding the provisions
 186 of section 9-211 of the general statutes, as amended by this act, in the
 187 event that among the states there are fifty or more vacancies in the
 188 office of senator in Congress at any single point in time and one of
 189 such vacancies is from Connecticut, the Governor is empowered to fill
 190 such vacancy by appointment as herein provided. If such vacancy
 191 occurs one hundred fifty or more days prior to a state election, the
 192 appointee shall serve until the third day of January following such
 193 election, and at such election there shall be elected a senator in
 194 Congress to serve for the remaining portion, if any, of the term
 195 vacated. If such vacancy occurs within less than one hundred fifty
 196 days of a state election and the term vacated does not expire on the
 197 third day of January following such election, the appointee shall serve
 198 until the third day of January following the next such election but one,
 199 and at such next election but one there shall be elected a senator in
 200 Congress to serve for the remaining portion, if any, of the term
 201 vacated. If such vacancy occurs within less than one hundred fifty
 202 days of a state election and the term vacated expires on the third day
 203 of January following, the appointee shall serve until such third day of
 204 January."

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	9-211
Sec. 2	<i>from passage</i>	9-450
Sec. 3	<i>from passage</i>	New section